

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ALPHONSA CHANDLER; NICHOLAS GORE;
BRENT MERITY; and ERIC VAUGHAN, each
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

INTERNATIONAL MARINE AND INDUSTRIAL
APPLICATORS, LLC, a Florida Corporation,

Defendant.

Case No. 2:22-cv-00339-BJR

**DECLARATION OF ERIKA L. NUSSER IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL**

I, Erika L. Nusser, declare as follows:

A. Background and experience.

1. I am a member of the law firm of Terrell Marshall Law Group PLLC (Terrell Marshall), counsel of record for plaintiffs in this matter. I am admitted to practice before this Court and am a member in good standing of the bars of the United States and of the state of Washington. I respectfully submit this declaration in support of Plaintiffs' Motion for Final Approval. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

4. Terrell Marshall has advanced costs and invested numerous hours into the investigation and prosecution of this case. We will continue to commit the time and resources

DECLARATION OF ERIKA L. NUSSER IN SUPPORT OF
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Case No. 2:22-cv-00339-BJR

TERRELL MARSHALL LAW GROUP PLLC
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1 necessary to litigate the case and fairly and adequately represent and protect the interests of
2 the Class and Collective.

3 5. Since the beginning of this case, Terrell Marshall has worked with no guarantee
4 of being compensated for its time and efforts. Payment of Terrell Marshall's fees has always
5 been contingent on successfully obtaining relief for Plaintiffs, and Class and Collective
6 Members. As a result, there was a substantial risk of non-payment, particularly in light of the
7 challenges inherent in this type of case. Work on this case has necessarily been to the exclusion
8 of work on other matters that likely would have generated fees. Terrell Marshall has also been
9 denied use of the fees it earned over the course of this case.

10 6. The work performed by paralegal, Heather Brown, was work that I or another
11 attorney would have had to perform absent such assistance. The work required an
12 understanding of the facts and claims at issue in the case and was important to the
13 development of those facts and claims. Ms. Brown is qualified to perform substantive legal
14 work based on their training and past experience working for attorneys.

15 7. The following table identifies the attorneys and staff members from Terrell
16 Marshall who worked on this case and for whom the recovery of fees is sought. For each of the
17 timekeepers below I have stated the current hourly rate, the number of hours worked through
18 May 31, 2023, and the total amount of fees. These time summaries are taken from
19 contemporaneous, daily time reports prepared and maintained by Terrell Marshall in the
20 regular course of business.

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
ATTORNEYS				
Toby J. Marshall Founding Member J.D. from Univ. of Washington School of Law, 2002	Worked on complaint; researched factual and legal issues; worked on briefing in support of motion for collective certification; worked on discovery; worked on damages issues; worked on mediation materials; worked on settlement issues; worked on notice forms; and worked on case strategy.	\$750	26.20	\$19,650.00
Erika L. Nusser Member Univ. of San Francisco School of Law, 2008	Worked on complaint; researched factual and legal issues; worked on briefing in support of motion for collective certification; worked on discovery; worked on damages issues; worked on mediation materials; worked on settlement issues; worked on motion for preliminary approval; worked on notice forms; and worked on case strategy.	\$600	43.90	\$26,340.00
PARALEGALS/LEGAL ASSISTANTS				
Heather Brown Paralegal 20 years legal experience	Prepared and reviewed client productions; prepared and reviewed Defendant's productions; obtained settlement administration bids; worked on pleadings and supporting documents; prepared	\$225	4.70	\$1,057.50

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NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
	correspondence; and worked on docketing.			
Chantal Montanez Legal Asst. 2 years legal experience	Calls with class and collective members regarding settlement.	\$125	13.20	\$1,650.00
Michelle Terrell Legal Asst. 2 years legal experience	Calls with class and collective members regarding settlement.	\$125	11.20	\$1,400.00
TOTAL:			99.2	\$50,097.50

8. The lodestar calculations of Plaintiffs' counsel are based on reasonable hourly rates. Plaintiffs' counsel set their rates for attorneys and staff members based on a variety of factors, including among others: the experience, skill and sophistication required for the types of legal services typically performed; the rates customarily charged in the markets where legal services are typically performed; and the experience, reputation and ability of the attorneys and staff members.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

EXECUTED this 1st day of June, 2023 at Seattle, Washington.

By: /s/ Erika L. Nusser, WSBA #40854
Erika L. Nusser, WSBA #40854

DECLARATION OF ERIKA L. NUSSER IN SUPPORT OF
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CERTIFICATE OF SERVICE

I hereby certify that I caused the document to which this certificate is attached to be delivered to the following as indicated:

*Attorneys for Defendant International
Marine and Industrial Applicators, LLC*

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Declared under penalty of perjury under the laws of the state of Washington dated at Seattle, Washington this 1st day of June, 2023.

/s/ Jeff Mead
Jeff Mead, Paralegal